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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,070	03/20/2001	Curtis E. Stevens	01-1006	1670

7590 10/22/2003

Kimberley G Nobels
Irell & Manella LLP
840 Newport Center Drive
Suite 400
Newport Beach, CA 92660

EXAMINER

NGUYEN, LOAN B

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/813,070

Applicant(s)

STEVENS, CURTIS E.

Examiner

Loan B Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 7, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Claim Objections

2. Claims 7 and 16 objected to because of the following informalities: "native mode" – these terms are not support or define neither in the specification nor in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-13, and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer et al. (6170055) (hereinafter Meyer et al.).
5. As per claim 1, Meyer et al. teaches a method for controlling a removable media device coupled to a computer system by way of a bus interface, the computer system having system firmware, the method comprising the step of:

providing one or more abstraction layers in the system firmware that employ Interrupt 13 functions to allow a program to communicate with the removable media device (e.g. col. 9 line 4-29).

6. As per claim 2, Meyer et al. teaches the method recited in Claim 1 wherein the removable media employed with the removable media device comprises a device driver that calls the abstraction layer in the system firmware (e.g. col. 9 line 30-33).

7. As per claim 11 is rejected for similar reasons as stated above.

8. As per claim 3, Meyer et al. teaches the method recited in Claim 1 wherein the removable media is used to perform recovery of contents of a device coupled to the computer (e.g. col. 10 line 45-51).

9. As per claims 4, 12, and 13 are rejected for similar reasons as stated above.

10. As per claim 6, Meyer et al. teaches method recited in Claim 1 wherein the program comprises an operating system or application (e.g. col. 8 line 54-58 and col. 11 line 31-36).

11. As per claim 15 is rejected for similar reasons as stated above.

12. As per claim 7, Meyer et al. teaches The method recited in Claim 1 wherein the abstraction layer comprises interrupt 13 functions 40h and above that allow the program to access the removable media device in its native mode (e.g. col. 15 line 28-43).

13. As per claim 16 is rejected for similar reasons as stated above.

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14. As per claim 8, Meyer et al. teaches the method recited in Claim 7 wherein the abstraction layer comprises interrupt 13 functions 1-3Fh that allow the program to access the removable media device as a floppy drive (e.g. col. 12 line 54-65).

15. As per claim 17 is rejected for similar reasons as stated above.

16. As per claim 9, Meyer et al. teaches the method recited in Claim 1 wherein the bus interface is selected from the group including a Universal Serial Bus (USB), an IEEE-1394 bus, a Bluetooth, bus, an ATA bus, an ATAPI bus, Peripheral Component Interconnect (PCI O) bus, Infiniband bus, or a SCSI bus (e.g. col. 9 line 32-35).

17. As per claim 18 is rejected for similar reasons as stated above.

18. As per claim 10, Meyer et al. teaches an apparatus comprising:
a computer comprising system firmware and a removable media device (e.g. col. 18 line 15-19); and

wherein the system firmware includes one or more abstraction layers that employ interrupt 13 functions to allow a program to communicate with the removable media device (e.g. col. 9 line 4-29).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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20. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (6170055) (hereinafter Meyer et al.) in view of Welder (6622179) (hereinafter Welder).

21. As per claim 5, Meyer et al. does not specifically teach a method recited in Claim 1 wherein the removable media device is selected from the group including a CD-ROM device, a DVD device, or a magneto-optical device.

Welder teaches a method of the removable media device is selected from the group including a CD-ROM device, a DVD device, or a magneto-optical device (e.g. col. 6 line 45-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Meyer et al. with Welder because it would accomplish to determining to use the high capacity removable media drive to boot up and shut down the operating system from selected group of the high capacity removable media drives such CD-ROM, digital video disk (DVD), and a magneto-optical disk.

22. As per claim 14 is rejected for similar reasons as stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loan B. Nguyen whose telephone number is (703) 305-0358. The examiner can normally be reached on 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

October 16, 2004
Loan B. Nguyen



**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**